IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : Crl. Misc. No.4505-M of 2007
Date of Decision : October 10, 2007.

Gurmit Singh and others .... Petitioners

Vs.

State of Punjab and another .... Respondents

CORAM : HON'BLE MR. JUSTICE L. N. MITTAL

* * *

Present : Mr.J.B.S.Gill, Advocate
for the petitioners.

Ms.Manjari Nehru, DAG, Punjab
for respondent no.1.

Mr.Jagmohan Singh, Advocate
for respondent no.2.

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L.N.MITTAL, J. (Oral) :

Gurmit Singh, his wife Gurmit Kaur and their two daughters namely Kamlesh Kaur and Baljit Kaur along with one Parminder Singh alias Parvinder Singh have filed the instant petition under Section 482 Cr.P.C. for quashing criminal complaint (Annexure P-1) filed against them by Baldev Singh-respondent no.2, for offences under Sections 306 and 120-B IPC pending in the court of Sub Divisional Judicial Magistrate, Anandpur Sahib.

At the motion stage itself, the instant petition qua petitiones no.4 and 5 i.e. Baljit Kaur and Parminder Singh was dismissed and notice of motion was issued qua petitioners no.1 to 3 only.

According to the allegations in the impugned complaint, Jaswinder Singh, son of Baldev Singh – complainant-respondent no.2 got married with petitioner no.4 on 16.04.2000. However, after one or two months of the marriage, Baljit Kaur went to her matrimonial home. Kamlesh Kaur – petitioner no.3, who is elder sister of Baljit Kaur, is a widow and is residing with her parents i.e. petitioners no.1 and 2. Jaswinder Singh (since deceased) went to his in-laws' house to bring back his wife Baljit Kaur but was surprised to see Baljit Kaur and Parminder Singh in objectionable condition in the house. On inquiry, Jaswinder Singh learnt that petitioner no.4 was having illicit relationship with petitioner no.5 since before the marriage. Jaswinder Singh protested about the same but he was snubbed by petitioners no.1 to 3. However, petitioners no.1and 2 assured Jaswinder Singh that petitioner no.5 would not come to their house in future. On this assurance, petitioner no.4 was taken to her matrimonial home. However, petitioner no.4 could not win the confidence of Jaswinder Singh. She even wanted transfer of the house in her own name. In September 2000, she went to her parental home without consent of the deceased. The deceased again visited the house of his in-laws and learnt about the intimacy of petitioner no.4 with petitioner no.5. However, petitioner no.4 was again brought to matrimonial home. A male child was born out of the wedlock on 13.01.2001. Petitioner no.4 took the newly born child to her parental home. The deceased went to his in-laws' house and again found petitioner no.5 there. However, the petitioners warned the deceased saying that petitioner no.5 will not leave their house and that petitioner no.4 will not go to her matrimonial home. The petitioners misbehaved with the deceased later on also. The deceased, along with his father and a mediator went to the house of his in-laws on 01.04.2001 but the petitioners refused to send petitioner no.4 to her matrimonial home. A meeting was also convened on 27.05.2001 wherein it was pointed out that presence of petitioner no.5 in the house of the petitioners is the root cause of

the trouble. However, the petitioners refused to send petitioner no.4 to the matrimonial home and rather quarrelled with the deceased and declared that petitioner no.4 cannot live without petitioner no.5 and also declared that petitioner no.4 can leave the deceased but not petitioner no.5. The deceased became depressed on account of this behaviour of the petitioners. The deceased filed divorce petition on 12.06.2001. He remained under tension on account of illicit relationship of petitioner no.4 with petitioner no.5. Neighbours of the deceased also told that the petitioners had threatened the deceased not to come to their house and forget petitioner no.4 forever. The deceased was so much disturbed mentally at the hands of the petitioners that he committed suicide on 18.06.2001 by jumping in Bhakra Nangal Canal. The complainant, who was upset over death of his son, was made to sign report in Daily Diary, without going through its contents, but it was mentioned in the said report (Annexure P-2) that the deceased had accidentally slipped into the canal while taking bath. The deceased had also told his friends that there was no pleasure left in his life on account of illicit relationship of petitioner no.4 with petitioner no.5. It is also alleged that petitioners no.1 and 2 defrauded and befooled the deceased into marrying with petitioner no.4 who already had illicit relationship with petitioner no.5. It is thus concluded in the complaint that the deceased committed suicide on account of the illicit relationship between petitioners no.4 and 5 and consequent insult and humiliation on account thereof and also on account of harsh behaviour of petitioners no.1 to 3.

As regards petitioner no.3, there is hardly any allegation against her in the impugned complaint except that on the first occasion, when the deceased found petitioners no.4 and 5 in objectionable position, the deceased protested to petitioners no.1 to 3, who however snubbed him. This was, however, about one year before the suicide. On the basis of this allegation, it cannot be said that petitioner no.3 abetted the commission of suicide by the deceased. Besides it, there are some very vague and general

allegations against petitioner no.3. However, she had nothing to do with the matter because the root cause of controversy was the alleged illicit relationship of petitioner no.4 with petitioner no.5.

As regards petitioners no.1 and 2 also, there are allegations that they refused to send petitioner no.4 to the matrimonial home. There is also allegation that they defrauded and befooled the deceased into marrying with petitioner no.4 inspite of her relationship with petitioner no.5. However, even according to impugned complaint, the illicit relationship between petitioner no.4 and 5 led the deceased to commit suicide.

The material allegations are against petitioners no.4 and 5 only. The allegations against petitioners no.1 and 2 or for that matter, even against petitioner no.3 as made out in the impugned complaint, even if considered cumulatively, do not make out a prima facie case for offence under Section 306 read with Section 120-B IPC. It cannot be said from the allegations made in the complaint that the conduct and behaviour of petitioners no.1 to 3 led the deceased to commit suicide. On the other hand, the allegations in the complaint show that it was the illicit relationship of petitioners no.4 and 5 which led the deceased to commit suicide.

Learned counsel for complainant-respondent no.2 pointed that petitioners no.1 to 3 refused to send petitioner no.4 to the matrimonial home. However, from this circumstance, it cannot be inferred at all that the deceased was led to commit suicide on account of the same. On the other hand, on this account, the deceased had filed divorce petition against petitioner no.4. It has also to be noticed that petitioners no.1 to 3 cannot be directly said to be consenting parties to the illicit relationship of petitioner no.4 with petitioner no.5. If petitioners no.1 and 2, who are parents of petitioner no.4, had been conniving with petitioner no.4 in the alleged illicit relationship, there was no reason why petitioners no.1 and 2 would have performed marriage of petitioner no.4 with the deceased. Moreover, the deceased came to know of the said illicit relationship more than a year

before the suicide. Thereafter, if petitioners no.4 and 5 persisted with their illicit relationship and the same led the deceased to commit suicide, petitioners no.1 to 3 cannot be said to have abetted the suicide. There is a general tendency to implicate all family members in a case. Petitioner no.3, who is widowed elder sister of petitioner no.4, has also been implicated without any substantive allegation against her. Even against petitioners no.1 and 2, who are parents of petitioner no.4, there are no substantive allegations.

In view of the aforesaid, the instant petition is allowed and the impugned complaint (Annexure P-1) is quashed as against petitioners no.1 to 3 only, along with all consequential proceedings. It is, however, expressly made clear that nothing observed herein above shall be construed to be an expression of opinion on the merits of the case against petitioners no.4 and 5.

October 09, 2007 **(L.N.MITTAL)**
monika **JUDGE**